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REMARKS

Claim Rejection Under 35 U.S.C. § 102(e)

Claims 1-18, 24-27, 29-37, 40, 41, 44, 45, 47, and 48 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent Application Publication No. 2003/0096123 to Yeager et al. ("Yeager"). 12/13/04 Office Action, pages 2-3. Applicants respectfully traverse this rejection.

Applicants respectfully traverse the rejection because Yeager is not available as a prior art reference under 35 U.S.C. § 102. Yeager was published on May 22, 2003. The subject application was filed on October 3, 2003. Yeager thus was not "described in a printed publication in this or a foreign country . . . more than one year prior to the date of application for patent," and Yeager accordingly is not available as prior art under 35 U.S.C. § 102(b). Yeager is also not available as prior art under 35 U.S.C. § 102(a) or (e). As stated unequivocally in the accompanying declaration under 37 C.F.R. § 1.132, the portions of Yeager relied on by the examiner were conceived by one of the present inventors, Gary W. Yeager. The relevant portions of Yeager were therefore not "described in a printed publication . . . before the invention thereof by the applicant for patent" for the purposes of § 102(a), nor were they "described in . . . an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent" for the purposes of § 102(e). In short, Applicants have demonstrated that Yeager is not available as prior art for the purposes of the present rejection. By removing the sole reference, Applicants have fully responded to the rejection, and their choice not to respond to the particular allegations made by the Examiner in explaining the rejection shall not be construed as a concession to those allegations.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 1-18, 24-27, 29-37, 40, 41, 44, 45, 47, and 48 stand rejected under 35 U.S.C. § 102(e) over Yeager.

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Claim Rejections Under 35 U.S.C. § 103(a)

Claims 19, 20, 38, 42, 43, 46, 49, 50, and 51 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Yeager. 12/13/04 Office Action, pages 4-5. Applicants respectfully traverse this rejection. As described above, Yeager is not available as a reference under 35 U.S.C. § 102. By removing the sole reference, Applicants have fully responded to the rejection, and their choice not to respond to the particular allegations made by the Examiner in explaining the rejection shall not be construed as a concession to those allegations.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 19, 20, 38, 42, 43, 46, 49, 50, and 51 under 35 U.S.C. § 103(a) over Yeager.

Claim Objections

Claims 21-23 and 39 stand objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 21-23 and 39 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants therefore respectfully request the reconsideration and allowance of claims 21-23 and 39.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Assignee.

Respectfully submitted,

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